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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,577	09/15/2003	Erik Johan Chris Clacs	Q77383	7978
7590 07/24/2007				
SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3213			EXAMINER KIM, TAE K	
			ART UNIT 2109	PAPER NUMBER
			MAIL DATE 07/24/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/661,577

Applicant(s)

CLAES ET AL.

Examiner

Tae K. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date September 15, 2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is in response to the application filed on September 15, 2003 where claims 1 – 18, of which claims 1, 5, 11, 13, and 17 are in independent form, are presented for examination.

#### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Specification***

The abstract of the disclosure is objected to because it contains more than 150 words. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The

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disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Content of Specification***

The disclosure is objected to because of the following informalities: the specifications specifically reference the numerated claims; no brief description of the drawings within the specification; no brief description of the invention within the specification; description of prior/related art not separately titled; description (Pg. 7, Line 6) has grammatical error, "may be may be span." Appropriate correction is required.

Below are some guidelines as to what the specification of the application requires referencing the relevant rules and/or guidelines:

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."

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- (c) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (d) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (e) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (f) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

### ***Claim Objections***

Claim 3 is objected to because of the following informalities: grammatical error found in the following section "forwarding criteria are applied". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 5, 11, 13 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Application 2003/0061317 A1 filed by Frances C. Brown et al. (hereinafter referenced as "Brown").**

1. Regarding Claims 1, 5, 11, 13 and 17, Brown discloses a method and system (Para. 0013) for establishing a data communication path between a service terminal and a service provider across a telecommunication network by establishing a connection, with a network controller (Para. 0019; proxy machine containing a transcoder), across said telecommunication network, which includes root and leaf nodes (Fig. 2; entry points on both ends of the proxy machine), between a network termination (Para. 0019, Fig. 1; internet service provider or similar gateway device between the proxy machine and client device), to which said service terminal is coupled, and an access server, to which

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said service provider is coupled, forwarding in said access server traffic related to said service terminal to said connection, forwarding in said network termination traffic related to said service provider to said connection (Para. 0019; Fig. 1 and 2; "proxy machine" connects a client device to an internet server to a content server that provides content from a content provider), characterized in that said connection is established after said service terminal has requested a service from said service provider (Para. 0019; requests for services enter the "proxy machine"), and on condition that an authentication server has granted said service terminal the access to said service (Para. 0019; user identification is authenticated by security server), in that said connection is established according to transport requirements of said service (Para. 0020; user profile information will show preferred method of transcoding requested information, which will be transcoded as requested and sent back to the client device), and in that said transport requirements are supplied by said authentication server (Para. 0020; user preferences are provided in database containing user profile).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2 – 4, 6 – 8, 12, 14 – 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as applied to Claim 1, 5, 11, 13, and 17 above, and**

**further in view of U.S. Application 2002/0114274 A1 filed by James H. Sturges and Owen J. Palmer (hereinafter referenced as “Sturges”).**

2. Regarding Claims 2, 6, 12, and 14, Brown encompasses all the limitations of Claims 1, 5, 11, and 13 as stated above. However, it does not specifically disclose that said transport requirements include any of the following parameters: a source address of said connection, a end address of said connection, or transfer capabilities of said connection required for delivering said service to said service terminal with a pre-determined quality of service.

Sturges discloses of a packet based network that comprises of a server that dynamically assigns IP and MAC addresses to effectively route the communications between the two network components (Para. 0013). Furthermore, Sturges discloses that a server “provides the customer the ability to automatically provision the quality [of the] services based on applications and priorities established for those applications” (Para. 0014). It would be obvious to one skilled in the art that the use of a both source and end addresses are necessary to properly route data between two network components. It is also obvious that without additional reliability mechanisms or services in place, packet based networks provide only a best effort service. The availability of bandwidth is not guaranteed and thus applying a quality of service mechanism within the packet network would provide much more reliable services, particularly when a minimum bit rate is necessary for a specific service.

3. Regarding Claims 3, 7, and 15, Brown encompasses all the limitations of Claims 1, 5, and 13 as stated above. However, it does not specifically disclose that said



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method and system further comprises the step of supplying forwarding criteria via a control channel to said network termination for said network termination to forward traffic related to said service to said connection, and in that said forwarding criteria is supplied by said authentication server.

Sturges discloses the interaction between the local server and network server that enables translation of public addresses to private or dynamically assigned IP and MAC addresses for mediating set up of sessions between domains (Para. 0013). It would be obvious to one skilled in the art to use these forwarding criteria when different domains are present to deliver the services to a customer when quality of service is a priority of such services. These forwarding criteria would be able to mark for priority certain communications that require minimum bandwidth, execution time, or other quality of service requirements.

4. Regarding Claims 4, 8, 16, and 18, Brown, in view of Sturges, encompasses all the limitations of Claims 3, 7, 15, and 17 as stated above. However, it does not specifically disclose that the characterized forwarding criteria include any of the following parameters: a physical address of said service terminal, an identifier of a virtual local area network, an identifier of a class of service, to which said service belongs.

Sturges discloses of using MAC addresses, VoIP domains or other voice networks that are accessible by a network server with public addresses or telephone number identifiers (Para. 0013), and the marking of the data packets to identify the class of service requested by the customer (Para. 0014). It would be obvious to one

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skilled in the art that the forwarding criteria, when different domains are present, will also include a method of identifying the customer and the communication network that will deliver the services. It is also obvious to identify a customer's request when quality of service is a priority. These forwarding criteria would be able to mark for priority certain communications that require minimum bandwidth, execution time, or other quality of service requirements.

**Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as applied to Claim 5 above, and further in view of U.S. Patent 6,516,350 B1 invented by Leon L. Lumelsky (hereinafter referenced as "Lumelsky").**

5. Regarding Claims 9 and 10, Brown encompasses all the limitations of Claim 5 as stated above. However, it does not specifically disclose that the system is further characterized in that a first segment of said connection is provisioned between said network termination and said leaf node, in that said network controller is further adapted to establish a second segment of said connection between said leaf node and said access server, and in that said leaf node comprises third forwarding means adapted to forward traffic conveyed over said first segment and related to said service to said second segment, thereby establishing said connection between said network termination and said access server. Brown also does not specifically disclose that said leaf node comprises relay means adapted to intercept control traffic from said service terminal, said control traffic being forwarded where appropriate.

Lumelsky discloses a system where multiple connections can be created to forward requested traffic from the service provider to the customer (Col. 9, Lines 4-12; where the available resources that the requested content is being redistributed are the data distribution lines). With the multiple connections present, different forwarding means need to be established to ensure the requested content is delivered to the proper customer (Col. 9, Lines 45-50; Fig. 4; multiple routes from multiple sources need to be addressed properly). The information that is being sent through different connections are directed to a Service Management Layer from the System Management Layer which negotiates with various servers for the requested services and establishes control traffic for those connections (Col. 11, Lines 10-29; Fig. 6; use of a replica and server directory to direct additional traffic). It would be obvious to one skilled in the art to use a system where multiple connections can be made from the same service provider. Using the internet to transmit data for requested services may be time or bandwidth sensitive and when one channel of data communication is not capable of meeting those requirements, additional connections can be made through the internet to increase the bandwidth of the communication between the service provide and the customer. It is also useful when updates to current running applications or new applications need to be installed to properly provide the requested services.

#### **Additional References**

Additional references that are relevant to the pending application and not cited:

U.S. Patent 6,393,484 B1; U.S. Patent 6,453,348

#### **Contacts**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae K. Kim, whose telephone number is (571) 270-1979. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Coby, can be reached on (571) 272-4017. The fax phone number for submitting all Official communications is (703) 872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the examiner at (571) 270-2979.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TKK

7/18/2007

  
FRANTZ COBY  
SUPERVISORY PATENT EXAMINER